

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

-----X
THE BANK OF NEW YORK TRUST :
COMPANY, N.A., as Trustee, :

Plaintiff, :

- against - :

FIRST MAGNUS CAPITAL, INC. and THOMAS :
W. SULLIVAN, SR. as Trustee of the THOMAS :
W. SULLIVAN SR. REVOCABLE TRUST, :

Defendants. :

-----X

07 Civ. 8255 (PKC)

**NOTICE OF BANKRUPTCY
FILING**

NOTICE IS HEREBY GIVEN that on February 19, 2008, First Magnus Capital, Inc. filed a bankruptcy petition under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Arizona, Case No. 2:08-bk-01494-GBN. Notice is further given that the automatic stay of 11 U.S.C. § 362 applies to the Complaint herein filed as to said Defendant.

DATED this the 19th day of February, 2008.

SNELL & WILMER L.L.P.

By: /s/ Christopher H. Bayley
Christopher H. Bayley
Jonathan M. Saffer
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004-2202

CERTIFICATE OF SERVICE

Christopher H. Bayley, under penalty of perjury, hereby certifies that:

1. I am over 18 years of age, I am not a party to the above-captioned proceedings, and I am employed by Snell & Wilmer L.L.P., One Arizona Center, 400 E. Van Buren St., Phoenix, Arizona 85004-2202.
2. On February 19, 2008, I caused to be served a true and correct copy of the “Notice of Bankruptcy Filing,” in the above-captioned cases upon the parties listed on the attached Service List by U.S. mail or electronic notification, as indicated.

Dated: Phoenix, AZ
February 19, 2008

/s/ Christopher H. Bayley
Christopher H. Bayley

SERVICE LIST

Via Email

Zachary C. Glaser
Wolf, Block, Schorr and Solis-Cohen L.L.P.
1650 Arch Street, 22nd Fl.
Philadelphia, PA 19103-2097
zglaser@wolfblock.com
Attorneys for The Bank of New York Trust Company, N.A.

Kenneth Gary Roberts
Wolf Block Schorr and Solis-Cohen, LLP(NYC)
250 Park Avenue
New York, NY 10177
kroberts@wolfblock.com
Attorneys for The Bank of New York Trust Company, N.A.

William D. Hummell
KUCKER & BRUH, LLP
747 Third Avenue
New York, New York 10017
w.hummell@kuckerandbruh.com
Attorneys for Thomas W. Sullivan, Sr.